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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| In the Matter of |) | FEDERAL COMMUNICATIONS COMMISSION OFFICE OF SECRETARY |
| |) | |
| Advanced Television Systems and |) | MM Docket No. 87-268 |
| Their Impact Upon the Existing |) | |
| Television Broadcast Service |) | |

**REPLY COMMENTS OF THE ELECTRONIC INDUSTRIES ASSOCIATION
AND THE EIA ADVANCED TELEVISION COMMITTEE**

The Electronic Industries Association ("EIA") and the EIA Advanced Television Committee ("ATV Committee") hereby reply to the comments that were filed in response to the Sixth Further Notice of Proposed Rule Making ("*Notice*") which the Commission issued in the above-captioned proceeding on August 14, 1996.¹

In our initial comments, EIA and the ATV Committee supported the Commission's objectives of allotting television broadcast channels in a manner that best promotes an expeditious, nationwide transition to digital television ("DTV") and that preserves our system of free and ubiquitous over-the-air broadcasting. While taking no positions on specific allotments, we applauded the Commission's commitment to minimizing potential interference between future DTV and current NTSC stations while preserving the ability of broadcast stations to reach the audiences they now serve.

¹ See *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Sixth Further Notice of Proposed Rulemaking, MM Docket No.87-268, FCC 96-317 (released Aug. 14, 1996) [hereinafter "*Notice*"].

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In addition, EIA and the ATV Committee pointed out instances where the technical underpinnings of the proposed allotment plan required minor modification, and suggested that the Commission await the recommendations of ATSC prior to addressing channel labeling issues.

A review of the comments filed by other parties clearly confirms the validity of the Commission's objectives. While certain broadcasters may not be fully satisfied with their specific allotment, the comments profess widespread eagerness for a rapid transition to digital television. EIA and the ATV Committee are concerned, however, about a small number of proposals which potentially could impair the interests of consumers and delay substantially the transition to DTV.

I. THE COMMISSION SHOULD NOT IMPOSE PERFORMANCE OR OTHER MANDATES UPON DIGITAL TELEVISION RECEIVERS.

EIA and the ATV Committee strongly disagree with those few parties who claim that mandatory FCC requirements are necessary to ensure that television receivers will be able to achieve minimum interference or performance specifications.² The commercial livelihood of EIA and ATV Committee members depends directly upon their ability to meet the public's long-standing expectations for reliable, high-quality reception. It would make no economic sense for a manufacturer to bring a television set to market which does not offer adequate performance or protection from interference. There is no reason to doubt that the same competitive market forces that currently ensure that manufacturers produce sets with adequate reception performance will also apply to digital receivers.

² See Comments of the Broadcasters at 60-61, Comments of Harris Corporation at 3. [Unless otherwise noted, citations herein to "Comments" refer to those comments filed on or after November 27, 1996 in response to the *Notice*.]

Should concerns about performance levels for DTV receivers someday materialize, EIA pledges its assistance in the development of voluntary standards through the appropriate industry bodies. Such voluntary industry standard setting, if and when necessary, has worked successfully over the past half century with respect to the NTSC broadcast system.

Similarly, we see no reason to require every digital receiver to be outfitted with a "low noise amplifier," as suggested by the Association of Federal Communications Consulting Engineers.³ This proposal would have the unfortunate affect of imposing additional costs on every DTV consumer to pay for a receiver component that, under the most optimistic scenario, might improve reception for a small number of viewers on the fringe of a given service area. In fact, the available evidence suggests that the overwhelming majority of DTV viewers will enjoy high-quality reception within a vast service area.⁴ With respect to DTV viewers in fringe areas, we are confident that the free market will continue to provide various effective and economical options for improving reception as it has with our NTSC broadcast system.

II. THE COMMISSION SHOULD REJECT SUGGESTIONS THAT IT REVISIT WELL-SETTLED ISSUES REGARDING THE USE OF THE DTV CHANNEL.

The allotment plan proposed by the Commission in the Sixth Further Notice is expressly premised upon the assignment of 6 MHz channels to broadcasters, and upon the further assumption that broadcasters will return one of the two 6 MHz channels after a transition period.⁵ However, the

³ See Comments of the Association of Federal Communications Consulting Engineers at 6 [hereinafter "FCCE Comments"].

⁴ See "Field Test Results of the Grand Alliance HDTV Transmission Subsystem" submitted to the FCC's Advisory Committee on Advanced Television Service, Sept. 16, 1994.

⁵ See Notice at ¶ 7.

National Cable Television Association (NCTA) now questions the need for a 6 MHz allocation, suggesting that broadcasters be allocated sufficient spectrum for a single digital program service channel, and -- should broadcasters wish to offer multiple channels -- any spectrum above and beyond that needed for a single channel be auctioned.⁶ This issue has been fully explored in the record developed by the Fourth Further Notice of Proposed Rulemaking in this docket,⁷ and should properly be decided there. The position of EIA and the ATV Committee remains that, so long as broadcasters provide a sufficient amount of HDTV programming (as they have stated they intend to do), broadcasters should be free to offer the mix of video services which they feel appropriate.⁸

While the issues raised in the Fourth Further Notice are currently ripe for decision, we note that the Commission has stated its belief that "providing 6 MHz channels for ATV purposes represents the optimum balance of broadcast needs and spectrum efficiency."⁹ There have been no interim developments that should alter this conclusion.

Similarly, EIA and the ATV Committee strongly oppose the suggestion advanced by Press Broadcasting that, under certain circumstances, broadcasters be allowed to keep both their loaned and their current 6 MHz channels.¹⁰ Not only is this issue fully addressed in the Fourth Further

⁶ See Comments of the National Cable Television Association at 6-8.

⁷ See *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Fourth Further Notice of Proposed Rulemaking, MM Docket No.87-268, FCC 95-315 (released July 14, 1995) [hereinafter "Fourth Further Notice"].

⁸ See Comments of EIA and the ATV Committee, MM Docket No.87-268, at 3-8 (filed Nov. 20, 1995).

⁹ See Fourth Further Notice at ¶ 21.

¹⁰ See Comments of Press Broadcasting Co. at 9, Petition for Rulemaking submitted by Press Broadcasting Co. at 5-6.

Notice, but such an outcome would expressly violate Section 201 of the Telecommunications Act of 1996, which requires that one of the channels eventually be reassigned or reallocated.

III. THE CHANNEL ALLOTMENT AND ASSIGNMENT PROCESS SHOULD MOVE FORWARD AS EXPEDITIOUSLY AS POSSIBLE.

The planning factors relied upon in the development the Commission's proposed allotment and assignment plan are derived from and are well grounded in the data, information and recommendations developed through the ACATS process.¹¹ A small minority of commenters, however, now propose that the Commission initiate a separate rulemaking for DTV technical issues and consider the adoption of alternative planning factors and approaches.¹²

EIA and the ATV Committee remind the Commission that ACATS planning figures were the consensus-supported results of an extraordinarily extensive and inclusive regime of laboratory and field tests. The ACATS recommendations are an adequate basis for assessing the performance capabilities of digital broadcasting and we strongly endorse their use by the Commission as the foundation for the allocation and assignment plan. EIA and the ATV Committee see no need to halt the allocation and assignment process pending the development of new planning factors or study of propagation characteristics. For those implementation issues that may arise, existing industry bodies such as EIA and the ATSC will develop appropriate solutions on a voluntary basis.

¹¹ Deviations from the ATSC DTV guidelines were identified by EIA and the ATV Committee in our initial comments in response to the *Notice*. See Comments of EIA and the ATV Committee at 3-5.

¹² See, e.g., FCCE Comments at 18, Comments of Gateway Communications at 2.

We emphatically urge the Commission to decline any invitation to delay the allotment process while considering proposed alternative technical approaches.¹³ Instead, we encourage the Commission to move forward as expeditiously as possible to finalize channel allotments, as well as issuing implementation and transition rules. The sooner the Commission acts, the sooner that the American public can receive the benefits of DTV technology.

IV. CONCLUSION

For all of the reasons set forth above and in our prior filings in this proceeding, EIA and the ATV Committee urge the Commission to adopt a channel allotment plan which promotes a rapid transition to DTV while preserving local access to free, over-the-air television.

Respectfully submitted,

ELECTRONIC INDUSTRIES ASSOCIATION
ADVANCED TELEVISION COMMITTEE

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¹³ See FCCE Comments at 17-18.